

REMARKS

Independent claims 8, 10 and 11 and dependent claims 3, 5, 6, 7 and 9 depended from claim 8 as well as dependent claim 12 depended from claim 11, remain in this application for examination.

Each of Applicant's independent claims 8, 10 and 11 are configured to convey the limitation that the peripheral binding itself is providing the latching elements which may be in the form of hook elements, loop elements or a combination of hook elements and loop elements. The contribution of this invention is to make latching elements part of the binding rather than separate elements provided by using the typical VELCRO® strips. Thus, the latching elements are included in the textile strip of the binding during its manufacture.

The Examiner's attention is directed to page 6, lines 1-10, which is part of Applicant's BACKGROUND OF THE INVENTION and describes the prior art over which the present invention distinguishes:

In particular, the use of hook-and/or-loop strips requires an additional manufacturing operation. Furthermore, the hooks of the male strip are difficult to position accurately relative to the loops of the female strip, and the user needs to begin again several times over in order to achieve proper positioning of mats provided with VELCRO® type strips.

Using double-sided adhesive strip leads rapidly to the adhesive becoming clogged and to a loss of mat retention.

Applicant distinguishes over this by reciting in new claim 8 that the peripheral binding is "a peripheral binding consisting essentially of . . . latching elements for gripping directly the bristles of the original floor carpet." In claim 10, the peripheral binding is a peripheral binding consisting essentially of . . . "hooks for gripping directly the bristles of the original floor carpet." In claim 11, the peripheral binding is in the form of a braid "providing on at least its bottom face hook elements adapted to grip directly to the bristles of the original floor mat." In each case the claims exclude structures such as VELCRO® strips. This distinguishes Applicant's claimed invention over the prior

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art of attaching hook and pile fastener tape, i.e., VELCRO® tape to the binding. Applicant will now address specifically each of the rejections over the prior art.

Claim Rejections Under 35 U.S.C. §112:

Applicant has cancelled claim 1 and substituted new claim 8 with the phrase "in particular" is not used, thus removing the grounds for this rejection.

Claim Rejections Under 35 U.S.C. §102:

Claims 1, 2 and 6 have been rejected under 35 U.S.C. §102(b) as being clearly anticipated by the patent publication ZA9406419A (publication '419). Applicant respectfully traverses this rejection.

Publication '419 is directed to a screen for excluding insects, not to a accessory mat for a vehicle. Moreover, in Publication '419, flexible mesh fabric is first bordered with a strips of binding 12. The strips of binding 12 are then overlain with adhesive strips of hook and pile fasteners, such as VELCRO® tape, on the reverse sides of the bindings. Thus, the adhesive hook and pile fastener, i.e., the "latching" is not part of the binding but is accordingly a separate element. This rejection under 35 U.S.C. §102(b) is not sustainable against Applicant's new independent claims 8, 10 and 11 because the new independent claims require that the hook in pile fastener be part of the binding in that these claims recite that the binding consists essentially of latching elements (claims 8 and 10) or that the binding is providing hook elements (claim 11).

Claim Rejections Under 35 U.S.C. §103:

Claims 1, 2 and 4-7 have been rejected as being unpatentable over Heller '024. Applicant respectfully traverses this rejection.

In the rejection, the Examiner refers to "Fig. 5 and column 4, lines 46-66." Actually, the Examiner meant Fig. 4 and column 5, lines 46-66 that illustrates VELCRO® strips 71 and 73 for

attaching a shoe mat 60 to the carpet of a vehicle cabin. As the Examiner points out, the VELCRO® strips 71 and 73 of Heller '024 are not adhered to the binding or border trim 63 of the mat, but rather are placed inboard of the border trim, thus the structure of Heller '024 corresponding to Applicant's peripheral binding does not have Applicant's claimed latching elements attached thereto. The Examiner reasons that it would be obvious to attach the VELCRO® strips 71 and 73 to the border, i.e., the binding of the mat to achieve Applicant's claimed structure. Applicant respectfully disagrees. As previously pointed out in this response, the latching elements, which are in the form of hook and loop fasteners (preferably hook fasteners), are part of the binding structure, i.e., the binding "consists essentially of" latching elements (claim 8) or hooks (claim 10) or the binding is the structure providing hook elements (claim 11).

Thus, it is respectfully submitted that this rejection does not establish a *prima facie* case of obviousness to one of ordinary skill in the art. The common sense thing to do is to simply provide the floor mat with VELCRO® fasteners which has been in the art for many years. No one skilled in the art for all this time made a binding for an accessory floor mat which has latches in the form of hooks and/or loops configured as part of the binding, rather than hooks and/or loops which are provided in a separate structure, i.e., strips, attached to a floor mat. Consequently, it is respectfully requested that this rejection of claims 1, 2 and 4-7 based on unpatentability over Heller '024 be withdrawn.

Claims 1-7 have also been rejected under 35 U.S.C. §103(a) as being unpatentable over Altus '364 in view of Heller '024 or Applicant's acknowledged of the state of the art. Applicant respectfully traverses this rejection.

As the Examiner points out, Altus '364 does not disclose the use of a hook/loop fastener on the covering to prevent movement of a mat on a substrate. Applicant specifically uses hook/loop fasteners that are part of the binding, in that the binding consists essentially of structure which includes hook/loop fasteners or the binding is a structure providing hook/loop fasteners. Applicant has reviewed page 3, lines 13-16 of the Specification and finds no reference to hook/loop fasteners,

but only a reference to an accessory mat presenting "a high degree of resistance to wear by rubbing and puncturing, in particular in the zones where the driver where the heels bears against them." Perhaps, the Examiner is referring to page 5, lines 13-15 which refers to the technique of fastening the accessory carpet "by means of hook-and/or-loop strip or of double-sided adhesive strip applied to the back face of the mat." This is a technique described in the Background Of The Invention over which Applicant's claimed invention distinguishes, because Applicant's claimed invention has the latching elements, i.e., the hooks or the hook- and/or-loop structures as part of the binding, rather than a structure applied as strips or separate elements.

With respect to Heller '024, the Examiner's attention is directed to the previous discussion of claims rejected as unpatentable over Heller where it is pointed out that Heller fails to disclose a binding providing the latching elements in the form of hooks and loops, rather than Applicant's claimed binding which is the structure which provides the hooks and loops and is not a separate strip of material.

Claims 4, 5 and 7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Publication '419. Applicant respectfully traverses this rejection. Applicant respectfully submits that claims 4, 5 and 7 are patentable for the same reason that claim 8 is patentable. In order for claims 4, 5 and 7 not to be patentable, claim 8 from which these claims depend can not be patentable.

The Examiner states that it would have been obvious to one of ordinary skill in the art to use any known means such as stitching for fastening the hook/loop fastener means to the cover of the reference. The Examiner further states that it would have been obvious to one of ordinary skill in the art to place either the hook or loop part of the fastener combination on the cover since it is known in the fastener art to use these materials interchangeably. Applicant respectfully submits that the hook/loop fastener of the present invention is part of the binding in that it is the binding itself that is providing the latching elements. The latching elements are not attached thereto, rather the latching elements are a part of the consistency of the binding in that the latching elements are claimed as consisting essentially of latching elements or hoops or claimed as providing hooks. It is respectfully

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submitted that this is not obvious to one skilled in the art of making accessory mats for vehicles. The prior art does not appreciate the draw backs of having to attach a separate strip of hook-and/or loop strips which require an additional manufacturing operation and are difficult to position accurately in that the user needs to repeat positioning several times to achieve proper positioning of mats provided with such strips. Moreover, utilizing double-sided adhesive strip leads rapidly to the adhesive becoming clogged and to a loss of mat retention (see Applicant's specification, page 6, lines 1-10). Accordingly, it is respectfully requested that the rejection of claims 4, 5 and 7 based on Publication '419 is not sustainable because the rejection does not establish a *prima facie* case of obviousness. Therefore this rejection should be withdrawn.

In view of the above remarks, favorable reconsideration is courteously requested. If there are any remaining issues, which could be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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